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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CAESARS WORLD, INC. and PARK PLACE
ENTERTAINMENT CORPORATION,

Plaintiffs,

v.

CYRUS MILANIAN, and THE NEW LAS
VEGAS DEVELOPMENT COMPANY, L.L.C.,

Defendants.

Civil Action No.: CV-S-02-1287-RLH (RJJ)

**PLAINTIFFS' MOTION TO ENTER
JUDGMENT ON SANCTIONS**

Pursuant to Fed. R. Civ. P. 58(d) and this Court's Order of contempt (#94), Plaintiffs Caesars World, Inc. ("Caesars World") and Park Place Entertainment Corporation ("Park Place") request that this Court enter judgment in this matter for the monetary sanctions imposed against Defendant Cyrus Milanian ("Milanian").

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1 This motion is based on the following Memorandum of Points and Authorities, as well as all
2 papers and pleadings on file in this matter.

3 DATED this 24th day of June, 2003.

4 JONES VARGAS

5
6 By: 

GARY R. GOODHEART, ESQ.
Nevada Bar No. 001203
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11 AND

12 STEPHEN W. FEINGOLD
13 RICHARD H. BROWN, ESQ.
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15 685 Third Avenue
New York, New York 10017-4024
Co-Counsel for Plaintiffs

16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 On May 23, 2003, the Court entered and served an Order (#94) finding Defendant Cyrus
18 Milanian guilty of civil contempt. The Court ordered Milanian to dismiss with prejudice or withdraw
19 the action in New Jersey that Milanian had filed against Caesars World and Park Place. The Court
20 further ordered that Milanian would have to pay Caesars World and Park Place a penalty of \$1,000 per
21 day for every day after June 2, 2003 that Milanian failed to comply with the Court's Order (#94).

22 In violation of the Court's Order (#94), Milanian failed to dismiss the New Jersey action with
23 prejudice by June 2, 2003. On June 6, 2003, Milanian filed in New Jersey a Notice of Voluntary
24 Dismissal Without Prejudice. (*See* Affidavit of Brian G. Friel in Support of Plaintiff's Motion to Enter
25 Judgment on Sanctions ¶ 3.)

26 On June 12, 2003, Milanian filed a Motion to Withdraw Notice of Voluntary Dismissal
27 Without Prejudice, requesting further that the New Jersey district court permit him to file a
28 "Withdrawal" in lieu of the Notice of Voluntary Dismissal Without Prejudice. (*See Id.* ¶4.) The

1 Honorable Freda L. Wolfson ordered the parties to submit an Order of Stipulation of Dismissal, (*See*
2 *Id.* ¶ 5), which order has not yet been finalized and presented to Judge Wolfson, (*Id.*).

3 Under the most lenient position for Milanian, Milanian was ten days late in complying with this
4 Court's Order (#94) when he filed his Motion to Withdraw Notice of Voluntary Dismissal Without
5 Prejudice on June 12, 2003, and Milanian must pay Plaintiffs \$10,000 in accordance with this Court's
6 Order (#94). Under the strict and literal construction of this Court's Order (#94), Milanian did not
7 comply with this Court's Order (#94) until June 16, 2003 when Judge Wolfson ordered Milanian to file
8 an Order of Stipulation of Dismissal, and Milanian must, therefore, pay Plaintiffs \$14,000.

9 Rule 58(d) of the Federal Rules of Civil Procedure provides that "[a] party may request that
10 judgment be set forth on a separate document as required by Rule 58(a)(1)."

11 Accordingly, Plaintiffs request that the Court enter a Judgment in their favor and against
12 Milanian in the amount of \$14,000 or any other amount that the Court deems proper under these
13 circumstances and pursuant to its Order (#94).

14 DATED this 24th day of June, 2003.

15 JONES VARGAS

16
17 By: 

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PATRICK A. ROSE, ESQ.
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22 AND

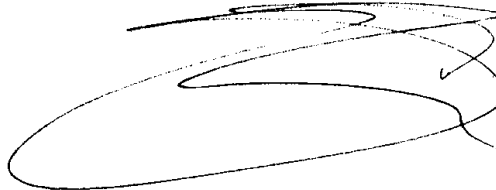
23 STEPHEN W. FEINGOLD
24 RICHARD H. BROWN, ESQ.
25 Pitney, Hardin, Kipp & Szuch LLP
26 685 Third Avenue
27 New York, New York 10017-4024
28 *Co-Counsel for Plaintiffs*

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing **PLAINTIFFS' MOTION TO ENTER JUDGMENT ON SANCTIONS** was served upon the following person(s), at their last known address, by mailing a copy thereof, first class mail, postage prepaid, on this date, June ²⁴~~23~~, 2003, as follows:

Andras F. Babero, Esq.
8500 Hillwood Drive, #130
Las Vegas, NV 89134

Melvin K. Silverman, Esq.
One Gateway Cntr., Ste. 2600
Newark, NJ 07102



Erika M. Miller, an employee of
JONES VARGAS

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Attorneys for Plaintiffs Caesars World, Inc.
and Park Place Entertainment Corporation

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

CAESARS WORLD, INC. and PARK PLACE
ENTERTAINMENT CORPORATION,

Plaintiffs,

v.

CYRUS MILANIAN and THE NEW LAS
VEGAS DEVELOPMENT COMPANY, LLC,

Defendants.

:

: Hon. Roger L. Hunt, U.S.D.J.

: CV-S-02-1287-RLH(RJJ)

:

AFFIDAVIT OF BRIAN G. FRIEL

:

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STATE OF NEW JERSEY)

)

SS:

COUNTY OF MORRIS)

BRIAN G. FRIEL, being duly sworn, upon his oath, deposes and says:

1. I am an attorney at law of the State of New Jersey and an associate of the firm of Pitney, Hardin, Kipp & Szuch LLP, attorneys for the Plaintiffs Caesars World, Inc. and Park Place Entertainment Corp. in this matter and the related matter pending in New Jersey federal district court captioned *Cyrus Milanian v. Caesars World, Inc. and Park Place Entertainment Corp.* No.

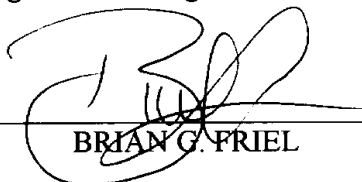
03-CV-1259 (D.N.J.) (the "New Jersey Action"). As such, I am familiar with the facts set forth below.

2. I make this Affidavit in support of Plaintiffs' Motion to Enter Judgment on Sanctions.

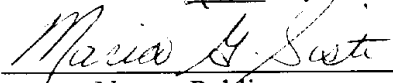
3. On June 6, 2003, Cyrus Milanian ("Milanian") filed in the New Jersey Action a Notice of Voluntary Dismissal Without Prejudice.

4. On June 12, 2003, Milanian filed a Motion to Withdraw Notice of Voluntary Dismissal Without Prejudice, requesting that the New Jersey District Court permit him to file a "Withdrawal" in lieu of the Notice of Voluntary Dismissal Without Prejudice.

5. By way of a telephone conference call with The Honorable Freda L. Wolfson on June 16, 2003, the District Court Judge presiding over the New Jersey Action, Judge Wolfson ordered the parties to submit an Order of Stipulation of Dismissal. As of the date of this Affidavit, the parties have exchanged versions of this form of Order, but have yet to agree on a final form. The parties likely will have to submit competing forms to Judge Wolfson for her consideration.


BRIAN G. FRIEL

Sworn and subscribed to
before me this 23rd day of June 2003


Notary Public

MARIA G. SISTI
A Notary Public Of New Jersey
My Commission Expires 11/14/06